

Assembly Concurrent Resolution

No. 21

Introduced by Assembly Member Davis

February 16, 2011

Assembly Concurrent Resolution No. 21—Relative to redistricting.

LEGISLATIVE COUNSEL’S DIGEST

ACR 21, as introduced, Davis. Redistricting: incarcerated persons.

This measure would urge the Citizens Redistricting Commission, in carrying out its redistricting responsibilities following the 2010 decennial federal census, to deem each incarcerated person as residing at his or her last known address prior to incarceration rather than at the institution of his or her incarceration.

Fiscal committee: yes.

- 1 WHEREAS, Historically, most state governments, including
2 California, have counted incarcerated persons as residents of the
3 prison communities in which they are incarcerated when redrawing
4 election district boundaries following the decennial federal census;
5 and
6 WHEREAS, This practice, known as “prison-based
7 gerrymandering,” artificially inflates the population count, and
8 hence the political influence, of those districts in which prisons
9 and jails are located; and
10 WHEREAS, Prisoners are not integrated into, and cannot
11 establish ties to, the communities in which their institutions of
12 incarceration are located, and thus are not properly considered
13 residents of those communities; and

1 WHEREAS, Under California law, a person does not gain or
2 lose a domicile solely by reason of his or her presence or absence
3 from a place while kept in a prison; and

4 WHEREAS, In 2010, the United States Census Bureau agreed,
5 for the first time, to make information regarding prisoner
6 population data available to states in time for those figures to be
7 taken into account in the electoral redistricting process; and

8 WHEREAS, The Citizens Redistricting Commission is vested
9 by the California Constitution with the authority to adjust election
10 district boundaries for the state's congressional, Senate, Assembly,
11 and Board of Equalization districts following each decennial federal
12 census; now, therefore, be it

13 *Resolved by the Assembly of the State of California, the Senate*
14 *thereof concurring*, That the Legislature urges the Citizens
15 Redistricting Commission, in carrying out its redistricting
16 responsibilities following the 2010 decennial federal census, to
17 deem each incarcerated person as residing at his or her last known
18 address prior to incarceration rather than at the institution of his
19 or her incarceration; and be it further

20 *Resolved*, That the Chief Clerk of the Assembly transmit copies
21 of this resolution to the Citizens Redistricting Commission and to
22 the author for appropriate distribution.